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**FOLEY & LARDNER LLP
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WWW.FOLEY.COM**Total number of pages, including this page: seventeen (19)**

TO:	PHONE #:	FAX #:
Commissioner for Patents U.S. Patent and Trademark Office		571-273-8300

From : Richard J. Warburg

By Barry S. Wilson

Email Address : rwarburg@foley.com**Sender's Direct Dial :** 858.847.6767**Date :** April 12, 2006**Client/Matter No :** 060826-0805**Applicant:** WIESNER et al.**U.S. Patent Application No.** 10/539,256**Filed:** 11/23/2003**For:** ASIMADOLINE DERIVATIVES COMPRISING COVALENTLY BONDED ACIDS**Following is:**

- 1) Transmittal Letter (2 pgs);
- 2) Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, Change of Correspondence Address (2 pgs); and
- 3) Statement Under 37 CFR § 3.73(b) (2 pgs) with attached Assignment – Worldwide from Merck KGaA to Tioga Pharmaceuticals, Inc. (12 pgs).

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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

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NO. 4671 P. 2

APR 12 2006

Atty. Dkt. No. 060826-0805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WIESNER et al.

Title: ASIMADOLINE DERIVATIVES
COMPRISING COVALENTLY
BONDED ACIDS

Appl. No.: 10/539,256

Filing Date: 11/25/2003

Examiner: Unassigned

Art Unit: Unassigned

<p>CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Rachel Caputo</u> (Printed Name)</p> <p><u>[Signature]</u> (Signature)</p> <p><u>April 12, 2006</u> (Date of Deposit)</p>

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed are the following documents:

- 1) Revocation of Prior Powers of Attorney by Assignee, Appointment of New Power of Attorney by Assignee, Change of Correspondence Address (2 pgs); and
- 2) Statement Under 37 CFR § 3.73(b) (2 pgs) with attached Assignment –
Worldwide from Merck KGaA to Tioga Pharmaceuticals, Inc. (12 pgs).

DLMR_282746.1

Atty. Dkt. No. 060826-0805

The Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872. If any extensions of time are needed for timely acceptance of papers submitted herewith, Patent Owner hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-0872.

Respectfully submitted,

Date 04/12/2006By Barry Wilson

FOLEY & LARDNER LLP
Customer Number: 30542
Telephone: (858) 847-6722
Facsimile: (858) 792-6773

Richard J. Warburg
Registration No. 32,327
By Barry S. Wilson
Registration No. 39,431
Attorney for Applicant

DLMR_282746.1

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NO. 4671 P. 4

APR 12 2006

Atty. Dkt. No. 060826-0805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WIESNER et al.
Title: ASIMADOLINE DERIVATIVES
COMPRISING COVALENTLY
BONDED ACIDS
Appl. No.: 10/539,256
Filing Date: 11/25/2003
Examiner: Unassigned
Art Unit: Unassigned

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. <u>Rachel Caputo</u> (Printed Name) <u>[Signature]</u> (Signature) <u>April 12, 2006</u> (Date of Deposit)
--

REVOCATION OF PRIOR POWERS OF ATTORNEY BY ASSIGNEE
APPOINTMENT OF NEW POWER OF ATTORNEY BY ASSIGNEE
CHANGE OF CORRESPONDENCE ADDRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Tioga Pharmaceuticals, Inc. is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent application as indicated in a Statement Under 37 CFR § 3.73(b) filed herewith.

Assignee HEREBY REVOKES all prior Powers of Attorney and APPOINTS the registered patent attorneys and agents associated with Customer Number:

30542

-1-

DLMR_281997.1

Atty. Dkt. No. 060826-0805

to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, to transact all business in the United States Patent and Trademark Office connected therewith.

Assignee requests that all correspondence be directed to:

Richard J. Warburg
FOLEY & LARDNER LLP
Customer Number: 30542

Telephone: (858) 847-6767
Facsimile: (858) 792-6773

Executed this 17 day of March, 2006.

TIOGA PHARMACEUTICALS, INC.

By:



(Signature)

David Urso
(Printed Name)

Chief Business Officer
(Title)

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NO. 4671 P. 6

APR 12 2006

Atty. Dkt. No. 060826-0805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: WIESNER et al.
Title: ASIMADOLINE DERIVATIVES
COMPRISING COVALENTLY
BONDED ACIDS
Appl. No.: 10/539,256
Filing Date: 11/25/2003
Examiner: Unassigned
Art Unit: Unassigned

CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below. _____ Rachel Caputo (Printed Name) _____ (Signature) April 12, 2006 (Date of Deposit)
--

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Tioga Pharmaceuticals, Inc. is the Assignee and owner of the entire right, title, and interest in and to the above-identified patent by virtue of an Assignment from Merck KGaA to Tioga Pharmaceuticals, Inc. (copy attached hereto).

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above. The undersigned affirms that the documentary evidence of the chain of title from the original owner to the assignee was, or currently is, submitted for recordation pursuant to 37 C.F.R. § 3.11.

DLMR255237.1

Atty. Dkt. No. 060826-0805

The undersigned, whose title is supplied below, is empowered to sign this certificate on behalf of the assignee.

Executed this 17 day of March, 2006.

TIOGA PHARMACEUTICALS, INC.

By:



(Signature)

David Urso

(Printed Name)

Chief Business Officer

(Title)

Atty. Dkt. No. 060826-0101

ASSIGNMENT - WORLDWIDE

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, a company organized under the laws of Germany, having an address of Frankfurter Strasse 250, D-64293 Darmstadt, Germany ("Merck") (hereinafter referred to as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

Tioga Pharmaceuticals, Inc.
c/o Forward Ventures
9393 Towne Centre Dr.
Suite 200
San Diego, California 92121

(hereinafter referred to as "ASSIGNEE") its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions, and all foreign countries in and to the patents and applications listed below as well as in and to (a) all improvements and modifications, (b) all Letters Patent which may issue from any of the applications in the United States and countries foreign thereto, (c) all divisions, continuations, reexams, reissues, and extensions of said applications and Letters Patent, and (d) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES ASSIGNEE to file patent applications in any or all countries on the above-identified invention or inventions in the name of the undersigned or in the name of ASSIGNEE or otherwise as ASSIGNEE may deem advisable under the International Convention or otherwise.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to

Atty. Dkt. No. 060826-0101

execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS ASSIGNEE the power to sue for infringement of the patents based on acts that occurred before the date of execution of this assignment.

ASSIGNOR HEREBY GRANTS to the law firm of **Foley & Lardner LLP** the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of **Foley & Lardner LLP** do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

The patents and applications which are the subject of this assignment are as follows:

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
AT	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
AU	NP	19930503	38341/93			662051	19951205
BE	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
BR	PCP	19970513	PI1100581-5			PI1100581-5	20000801
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CH	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
CL	NP	19930507	490-93				
CN	NP	19930508	93105673.X	19931208	1079219A	42780	19980724
CZ	NP	19930505	PV 1993-0823			289961	20020307
DE	EPA	19930501	59308763.1	19931118	0569802	59308763	19980715
DE	NP	19920509	4215213.5	19931111	4215213		abandoned

Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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ES	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
FR	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
GB	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
GR	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
HK	FPR	19990726	98113248.6			1011990	20000324
HU	NP	19930507	P 9301325	19950928	P 9301325	214578	19980302
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JP	NP	19930510	5-108444	19940222	6-49022	3210771	20010713
KR	NP	19930508	10-1993-0007899			0241637	19991104
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PL	NP	19930507	P 298845			173779	19971104
PT	EPA	19930501	93107103.9	19931118	0569802	0569802	19980715
RU	NP	19930506	93004806			2125041	19990120
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SK	NP	19930505	PV 0468-1993S			282646	20020815
TW	NP	19930507	82103568			NI-108997	20000330
UA	NP	19930408	94010169			32543	20010215
US	CNT	19950530	08/453,811			5,532,266	19960702
US	NP	19930507	93-057801				
ZA	NP	19930507	1993/3222			1993/3222	19940223
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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GR	EPA	19960620	96109915.7	19970108	0752246	3039660	20020313
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Flg. Date	Flg. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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EP	EPA	19960802	96112489.8	19970312	0761650	0761650	20011031
ES	EPA	19960802	96112489.8	19970312	0761650	0761650	20011031
FJ	EPA	19960802	96112489.8	19970312	0761650	0761650	20011031
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ZA	NP	19960823	1996/7200			1996/7200	19970528
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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Atty. Dkt. No. 060826-0101

Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
PK	MBA	19990419	295/99				
PL	PCT	19990416	P 343556				
PT	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
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SE	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
SG	PCT	19990416	200006001-2			76755	20021114
SI	EPT	19990416	99923421.4	20010207	1073634	1073634	20050831
SK	PCT	19990416	PV1557-00				
TH	NP	19990419	049963	20011225	48781		
TW	NP	19990420	88106298				
UA	PCT	19990416	2000116543/M				
US	PCT	19990416	09/647,813			6,344,566	20020205
VN	DIV	20031013	1-2003-00908				
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WO	PCT	19990416	99/02574	19991028	99/54298		
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AR	NP	20020405	P020101256	20031203	AR033116		
AT	EPT						
AU	PCT	20020313	2002254947				
BE	EPT						
BR	PCT	20020313	PI0208488-0	20040302	1730		
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CH	EPT						
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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
HU	PCT	20020313	P 0303910	20040329	P 0303910		
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LT	EPT						
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LV	EPT						
MX	PCT	20020313	PA/a/2003/009 099				
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PH	PCT	20020313	1-2003-500866				
PK	MBA	20020403	249/2002				
PL	PCT	20020313	P 363540				
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TH	NP	20020404	072855	20031007	58753		
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VE	NP	20020405	588-02	20041101	468		
WO	PCT	20020313	02/02756	20021017	02/080905		
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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
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LV	EPT						
MX	PCT	20030428	PA/a/2004/011 333				
NG	NP	20030414	154/2003			RP.15270	20030725
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Country	Proz. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
US	PCT	20030428	10/514,887	20050811	2005-0176746		
WO	PCT	20030428	03/04428	20031127	03/097051		
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AT	EPT						
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DE	EPT						
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EP	EPT	20031125	03780043.0	20051914	1572640		
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Country	Prot. Type	Fig. Date	Fig. Number	Publ. Date	Publ. Number	Grant Number	Grant Date
WO	PCT	20031125	2003/013206	20040701	2004/054970		
AR	NP	20041029	P040103952				
EP	EPA	20031030	03024781.1				
HK	FPR						abandoned
WO	PCT	20041014	2004/011548				
	CNT: Continuation						
	DIV: Divisional						
	EPA: European Application						
	EPD: European Divisional Application						
	EPT: Euro-PCT Application						
	FPR: Foreign Patent Registration						
	IPA: Internal priority application						
	MBA: Mailbox Appl. Art 70.8 TRIPS						
	NP: National Patent						
	PCP: Pipeline application						
	PCT: PCT Application						

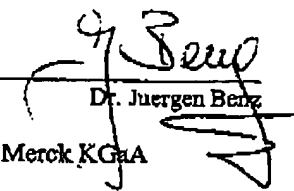
Executed this 31st day of October, 2005

ppa.

i.v.



Dr. Arno Hartmann



Dr. Juergen Benz

On behalf of Merck KGaA

State of Germany

County of Darmstadt

On this 31st day of October, 2005, before me, a notary public in and for said county, appeared Dr. Arno Hartmann and Dr. Juergen Benz, who are personally known to me to be the same persons whose names are subscribed to the foregoing instrument, and they acknowledged that they signed, sealed, and delivered the said instrument as their free and voluntary act for the uses and purposes therein set forth.

Notary Public

My Commission Expires: _____

(Seal)

File No. 541/2005

I hereby certify, that the above are the true signatures, subscribed today at Frankfurter
Straße 250 in Darmstadt in my presence, of

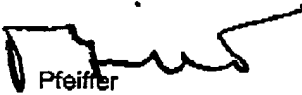
- 1) Mr. Dr. Arno Hartmann
and
- 2) Mr. Dr. Juergen Benz

business address: D-64293 Darmstadt, Frankfurter Strasse 250,
both identified by German identity card.

The notary public asked the appeared whether he or any member of his firm had acted in the
matter which is the subject of this instrument, except in a notarial matter. The appeared
denied.

Darmstadt, the 31st day of October 2005




Pfeiffer
- notary public -